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10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 GREGORY SAULSBURY, SR., individually,
13 and as joint personal representative of the Estate
14 of decedent, GREGORY SAULSBURY, Jr.;
15 ALICE PULLIAM, individually, and as joint
16 personal representative of the Estate of decedent
17 GREGORY SAULSBURY, Jr.; G.S. III, a
18 minor, by and through his Guardian ad Litem,
19 TWONDA J.; S.G., a minor, by and through her
20 Guardian Ad Litem, SHENITA KING;
21 SHENITA KING, individually; and CLARICE
22 PATTERSON,

23 Plaintiffs,

24 vs.

25 CITY OF PACIFICA, a municipal corporation;
26 PAT BRENNAN, in his official capacity as
27 Chief of Police for the CITY OF PACIFICA;
28 VINCE ROMERO, individually and in his
official capacity as a police officer for the CITY
OF PACIFICA; MAX REISING, individually
and in his official capacity as a police officer for
the CITY OF PACIFICA; BART BUCHANAN,
individually and in his official capacity as a
police officer for the CITY OF PACIFICA;
LANCE BELL, individually and in his official
capacity as a police officer for the CITY OF
PACIFICA; FERNANDO REALYVASQUEZ,
individually and in his official capacity as a
police officer for the CITY OF PACIFICA;
NICK BARSETTI, individually and in his
official capacity as a police officer for the CITY
OF PACIFICA; DOMINIC ALBANESE,
(caption continues on following page)

Case No. C-05-01471 EMC

**COMPLAINT FOR DAMAGES FOR
VIOLATION OF CIVIL RIGHTS.
JURY TRIAL DEMANDED**

1 individually and in his official capacity as a
2 police officer for the CITY OF PACIFICA;
3 DOES 1-25, inclusive, individually and in their
4 capacities as police officers for the CITY OF
5 PACIFICA,

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Defendants.

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JURISDICTION

1. This action arises under Title 42 of the United States Code, Section 1983. Jurisdiction is conferred upon this Court by Title 28 of the United States Code, Sections 1331 and 1343. The unlawful acts and practices alleged herein occurred in the County of San Mateo, California, which is within this judicial district.

PARTIES

2. Plaintiff GREGORY SAULSBURY, SR. ("SAULSBURY") is a competent adult, a resident of the County of San Mateo, California, and is the father and joint personal representative of the estate of decedent.

3. Plaintiff ALICE PULLIAM ("PULLIAM") is a competent adult, a resident of the County of San Mateo, California, and is the mother of and joint personal representative of the estate of decedent GREGORY SAULSBURY, JR. ("decedent").

4. Plaintiff G.S., III, is a minor represented herein by and through his Guardian Ad Litem, TWONDA J., and is the son of the decedent herein.

5. Plaintiff S.G., is a minor represented herein by and through her Guardian Ad Litem, SHENITA KING, and is the niece of decedent herein.

6. Plaintiff CLARICE PATTERSON is a competent adult, a resident of San Mateo County, and is the grandmother of decedent herein.

7. Plaintiff SHENITA KING is a competent adult, a resident of San Mateo County, and is the aunt of decedent and the Guardian Ad Litem of Minor Plaintiff S.G. herein.

1 8. Defendant City of PACIFICA ("CITY") is a municipal corporation, duly organized
2 and existing under the laws of the State of California. The City operates under its authority the
3 Pacifica Police Department.

4 9. At all times mentioned herein, Defendant PAT BRENNAN ("BRENNAN") was
5 employed by defendant CITY as Chief of Police for the CITY. He is being sued in his official
6 capacity as Chief of Police for the CITY.

7 10. At all times mentioned herein, Defendant VINCE ROMERO ("ROMERO") was
8 employed by defendant CITY as a police officer for the CITY. He is being sued individually and in
9 his official capacity as a police officer for the CITY.

10 11. At all times mentioned herein, Defendant MAX REISING ("REISING") was
11 employed by defendant CITY as a police officer for the CITY. He is being sued individually and in
12 his official capacity as a police officer for the CITY.

13 12. At all times mentioned herein, Defendant BART BUCHANAN ("BUCHANAN") was
14 employed by defendant CITY as a police officer for the CITY. He is being sued individually and in
15 his official capacity as a police officer for the CITY.

16 13. At all times mentioned herein, Defendant LANCE BELL ("BELL") was employed by
17 defendant CITY as a police officer for the CITY. He is being sued individually and in his official
18 capacity as a police officer for the CITY.

19 14. At all times mentioned herein, Defendant FERNANDO REALYVASQUEZ
20 ("REALYVASQUEZ") was employed by defendant CITY as a police officer for the CITY. He is
21 being sued individually and in his official capacity as a police officer for the CITY.

22 15. At all times mentioned herein, Defendant NICK BARSETTI ("BARSETTI") was
23 employed by defendant CITY as a police officer for the CITY. He is being sued individually and in
24 his official capacity as a police officer for the CITY.

25 16. At all times mentioned herein, Defendant DOMINIC ALBANESE ("ALBANESE")
26 was employed by defendant CITY as a police officer for the CITY. He is being sued individually and
27 in his official capacity as a police officer for the CITY.
28

1 criminal activity taking place, and specifically requested emergency medical help. Shortly thereafter,
2 a number of Pacifica police officers arrived at the Inverness Drive residence, including defendant
3 officers. No medical personnel arrived with the officers.

4 23. Plaintiff PATTERSON answered the knock on her front door and asked who was
5 there. One defendant officer responded, "Police", and asked whether she had called. Plaintiff
6 PATTERSON, bewildered at the police response to the medical emergency, told the officers that the
7 call was for the paramedics not for the police. Mr. Saulsbury, the decedent, sat on a reclining chair in
8 the living room, where he had sat since his father first noticed his physical distress. Plaintiff
9 SAULSBURY, SR. remained in the television room with his son. Mr. Saulsbury continued to sweat
10 profusely and his labored breathing continued. However, Mr. Saulsbury's earlier bizarre behavior
11 had dissipated by the time the officers arrived. Plaintiff SAULSBURY, SR. and his son were visible
12 to the defendant officers located at the front door of the residence. When Mr. Saulsbury noticed the
13 officers at the front door, he stood up, but made no aggressive move or statement.

14 24. Totally ignoring Plaintiff PATTERSON, the decedent's grandmother, the defendant
15 officers stormed into the residence. They shoved Plaintiff PATTERSON to the side, thereby causing
16 her to fall against a plant. Defendant officers asked no questions of anyone in the residence. They
17 made no investigation of the medical emergency or of Mr. Saulsbury's condition. In fact, after the
18 initial comment to Plaintiff PATTERSON, defendant officers did not speak to anyone as they
19 immediately focused on Mr. Saulsbury and ran into the small television room.

20 25. Defendant officers grabbed Mr. Saulsbury, who was already on his feet, and,
21 inexplicably, handcuffed him with his hands behind his back, before slamming him face down on the
22 floor. Mr. Saulsbury was in obvious medical distress, but was nevertheless treated by defendant
23 officers as if he were a violent criminal.

24 26. Many of Mr. Saulsbury's family-members, including all of the named plaintiffs except
25 Plaintiff PULLIAM, who is decedent's mother, were present and witnessed all or portions of
26 defendant officers' egregious misconduct against Mr. Saulsbury. Plaintiffs estimate that
27 approximately seven officers, including the named defendant officers, responded to the call for
28 medical help and subsequently entered the home.

1 27. After Mr. Saulsbury was handcuffed on the floor, defendant officers brutally attacked
2 him. Defendant officers pepper-sprayed the already stricken, helpless and shackled Mr. Saulsbury as
3 he lay on the floor. Some defendant officers placed their weight against Mr. Saulsbury, including at
4 least one defendant officer who pressed his knee against Mr. Saulsbury's back. Mr. Saulsbury
5 reacted only defensively against the defendant officers' assault and battery against him, and at no
6 time were the officers in any danger of harm from Mr. Saulsbury or anyone else in the residence.

7 28. Plaintiffs verbally objected to the defendant officers' outrageous actions against Mr.
8 Saulsbury. One defendant officer placed Plaintiff KING in a chokehold and pulled her backward
9 away from the officers who were attacking her nephew.

10 29. At some point during the attack on Mr. Saulsbury, one or more defendant officers
11 withdrew their Taser stun-gun(s). In spite of being informed of Mr. Saulsbury's clear medical crisis,
12 defendant officers repeatedly triggered their Taser stun-gun(s) so that Mr. Saulsbury was shocked
13 numerous times.

14 30. Plaintiff SAULSBURY, SR., who was in the television room with his son and
15 defendant officers, verbally objected to the tasing of his son. Mr. Saulsbury was jammed on the
16 floor against a wall between two pieces of furniture as some defendant officers tased him. In
17 apparent response to Plaintiff SAULSBURY, SR.'s verbal objections, one defendant officer tased
18 Plaintiff SAULSBURY, SR. in the neck, causing immediate shock and pain. Plaintiff SAULSBURY,
19 SR. did not interfere or prevent defendant officers from performing their duties in any way.

20 31. Plaintiffs allege that defendant officers killed Mr. Saulsbury through the
21 unconscionable and repeated "Tazing" of Mr. Saulsbury, combined with improper physical restraint
22 of Mr. Saulsbury. Mr. Saulsbury's dying words, which will be his last words heard by his family,
23 were: "Grandma, they shooting me! Don't let them kill me!"

24 32. Finally, after Mr. Saulsbury's body went limp, an officer spoke. It was no apology or
25 question, however. The officer cursed, and said "Ah f(expletive)! He isn't breathing." Defendant
26 officers then flipped Mr. Saulsbury's limp body over and began to press against his chest. As the
27 officer began CPR, one defendant officer forced Plaintiffs out of the residence. When Plaintiffs asked
28 why they had to leave the house, a defendant officer told them, "This is not your house, it's ours," as

1 if the officers had control over the house. It rained throughout the night, and Plaintiffs were held
2 outside of their residence in the rain for a lengthy period of time.

3 33. The paramedics arrived at about 1:15 a.m. and removed Mr. Saulsbury from the
4 residence on a stretcher with an oxygen mask over his face. Defendant officers assured Plaintiffs,
5 who were forced to remain outside of their residence, that Mr. Saulsbury was breathing at the time he
6 was removed.

7 34. Plaintiffs have requested the police report regarding this incident, but Defendant CITY
8 has refused to produce the report. Defendant CITY has also refused to produce the dispatch (CAD)
9 records pertaining to this incident. Plaintiffs have learned that the coroner's office pronounced the
10 time of Mr. Saulsbury's death at 12:40 a.m., substantially prior to the paramedics arrival.

11 35. Plaintiffs allege that Mr. Saulsbury's death was the result of excessive and brutal force
12 used against him by defendant officers. Plaintiffs allege that defendant officers made no
13 investigation of the circumstances pertaining to Mr. Saulsbury's condition, when his medical
14 condition was the very basis of the 911 call made by his aunt. Plaintiffs allege that a police response
15 consisting of seven police officers and no medical personnel whatsoever is a fundamentally
16 outrageous response to a call for medical emergency help.

17 36. Plaintiffs further allege that Mr. Saulsbury's death was the proximate result of
18 Defendant CITY's failure to reasonably train their police officers in the proper and reasonable use of
19 force, the proper and reasonable use of taser stun-guns, and the proper and reasonable response to a
20 call for medical emergency help. Plaintiffs further allege that these substantial failures reflect
21 Defendant CITY's policies implicitly ratifying and/or authorizing the use of excessive force by its
22 police officers, the failure to reasonably train police officers employed by Defendant CITY in the use
23 of Taser stun-guns, and the failure to reasonably train its police officers in the proper and reasonable
24 response to calls regarding medical emergencies.

25 37. The killing of decedent Gregory Saulsbury, Jr. described herein was brutal, malicious,
26 and done without just provocation or cause, proximately causing Plaintiffs' injuries and resulting
27 damages.
28

DAMAGES

38. Plaintiffs were physically, mentally, emotionally and financially injured and damaged as a proximate result of Mr. Saulsbury, Jr.'s wrongful death, including, but not limited to, the loss of decedent's familial relationships, comfort, protection, companionship, love, affection, solace, and moral support. In addition to these damages, Plaintiffs are entitled to recover for the reasonable value of funeral and burial expenses.

39. As a further direct and proximate result of the negligence, excessive force and deliberate indifference of defendants, and each of them, Plaintiffs have been deprived of Mr. Saulsbury, Jr's financial support.

40. Plaintiff SAULSBURY, SR. suffered assault and battery, and severe emotional distress from being tased without reasonable justification.

41. Plaintiff PATTERSON suffered assault and battery, and severe emotional distress from being shoved aside by defendant officers.

42. Plaintiff KING suffered assault and battery, and severe emotional distress from being unreasonably choked by defendant officers.

43. All plaintiffs, except Plaintiff PULLIAM, suffered severe emotional distress from being forced to wait outside in the rain after defendant officers killed Mr. Saulsbury, Jr.

44. The conduct of the defendant officers was malicious, wanton, and oppressive. Plaintiffs, as decedent's successors in interest, are therefore entitled to an award of punitive damages against said individual defendants.

45. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights, and the rights of decedent, under the law. Plaintiffs are therefore entitled to recover all attorneys' fees incurred in relation to this action pursuant to Title 42 United States Code section 1988.

FIRST CAUSE OF ACTION
(Wrongful Death 42 U.S.C. Section 1983)

46. Plaintiffs hereby re-allege and incorporate by reference herein paragraphs 1 through 45 of this Complaint.

1 47. Defendants acted under color of law in repeatedly “tasing” decedent without lawful
 2 justification, subjecting decedent to excessive force, and failing to secure or permit reasonable and
 3 prompt medical treatment for decedent’s injuries, thereby depriving Plaintiffs and the decedent of
 4 certain constitutionally protected rights, including, but not limited to:

- 6 a. The right to be free from unreasonable searches and seizures, as guaranteed by the
 7 Fourth and Fourteenth Amendments to the United States Constitution;
- 8 b. The right not to be deprived of life or liberty without due process of law, as guaranteed
 9 by the Fifth and Fourteenth Amendments to the United States Constitution;
- 10 c. The right to be free from the use of excessive force by police officers, which is
 11 guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the United States
 12 Constitution;
- 13 d. The right to equal protection of the laws, as guaranteed by the Fourteenth Amendment
 14 to the United States Constitution; and/or,
- 15 e. The right to be free from interference within the zone of privacy, as protected by the
 16 Fourth and Ninth Amendments to the United States Constitution;

17 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.
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 21 SECOND CAUSE OF ACTION
 22 (Violations of Plaintiffs’ civil rights to familial relationship - 42 U.S.C. section 1983)

23 48. Plaintiffs hereby re-allege and incorporate by reference herein paragraphs 1 through
 24 47 of this Complaint.
 25

26 49. Defendants, acting under color of state law, and without due process of law deprived
 27 Plaintiffs of their right to a familial relationship by seizing decedent by use of unreasonable,
 28 unjustified and deadly force and violence, causing injuries which resulted in decedent’s death, all

without provocation and did attempt to conceal their excessive use of force and hide the true cause of decedent's demise to deprive Plaintiffs of their right to seek redress, all in violation of rights, privileges, and immunities secured by the First, Fourth, and Fourteenth Amendments to the United States Constitution.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

THIRD CAUSE OF ACTION
(42 U.S.C. Section 1983)

50. Plaintiffs hereby re-allege and incorporate by reference herein paragraphs 1 through 49 of this Complaint.

51. Defendants acted under color of law in "tasing" Plaintiff SAULSBURY, SR., without lawful justification, and subjecting Plaintiff SAULSBURY, SR. and Plaintiff PATTERSON to excessive force, thereby depriving Plaintiffs of certain constitutionally protected rights, including, but not limited to:

- f. The right to be free from unreasonable searches and seizures, as guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution;
- g. The right not to be deprived of life or liberty without due process of law, as guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution;
- h. The right to be free from the use of excessive force by police officers, which is guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution;
- i. The right to equal protection of the laws, as guaranteed by the Fourteenth Amendment to the United States Constitution; and/or,
- j. The right to be free from interference within the zone of privacy, as protected by the Fourth and Ninth Amendments to the United States Constitution;

1 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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4 FOURTH CAUSE OF ACTION
(*Monell* - 42 U.S.C. section 1983)

5 52. Plaintiffs hereby re-allege and incorporate by reference herein paragraphs 1 through
6 51 of this Complaint.

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8 53. Plaintiffs are informed and believe and thereon allege that high ranking City of
9 Pacifica officials, including high ranking police supervisors such as Defendant BRENNAN, DOES
10 11 through 25, and/or each of them, knew and/or reasonably should have known about repeated acts
11 of misconduct by defendant Officers ROMERO, REISING, BUCHANAN, BELL,
12 REALYVASQUEZ, BARSETTI, ALBANESE and DOES 1-10, and/or each of them.

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14 54. Plaintiffs further allege on information and belief that such high ranking City of
15 Pacifica officials, including high ranking police supervisors such as Defendant BRENNAN, DOES
16 11 through 25, and/or each of them, knew and/or reasonably should have known, that defendant
17 officers ROMERO, REISING, BUCHANAN, BELL, REALYVASQUEZ, BARSETTI, ALBANESE
18 and DOES 1-10, and/or each of them, were untrained or not reasonably trained in the use of Taser
19 stun-guns.
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21 55. Plaintiffs further allege on information and belief that such high ranking City of
22 Pacifica officials, including high ranking police supervisors such as Defendant BRENNAN, DOES
23 11 through 25, and/or each of them, knew and/or reasonably should have known, that defendant
24 officers ROMERO, REISING, BUCHANAN, BELL, REALYVASQUEZ, BARSETTI, ALBANESE
25 and DOES 1-10, and/or each of them, were untrained or not reasonably trained in responding to
26 medical emergencies.
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1 56. Despite having such notice, Plaintiffs are informed and believe and thereon allege that
2 Defendants BRENNAN, DOES 11-25, and/or each of them, approved, ratified, condoned,
3 encouraged and/or tacitly authorized the continuing pattern and practice of misconduct and/or civil
4 rights violations by said officers, the use of Taser stun-guns by officers who are untrained or not
5 reasonably trained in the use of Taser stun-guns, and allowing officers to respond who are untrained
6 or not adequately trained in responding to medical emergencies.
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8 57. Plaintiffs are further informed and believe and thereon allege that as a result of the
9 deliberate indifference, reckless and/or conscious disregard of the misconduct by, and the lack of
10 training or unreasonable training in responding to medical emergencies and using Taser stun-guns of
11 Defendants ROMERO, REISING, BUCHANAN, BELL, REALYVASQUEZ, BARSETTI,
12 ALBANESE and DOES 1-10, and/or each of them, Defendant BRENNAN, DOES 11-25, and/or
13 each of them, encouraged these officers to continue their course of misconduct and caused these
14 officers' lack of training, resulting in the violation of the Plaintiffs' rights as alleged herein.
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17 58. The aforementioned acts and/or omissions and/or deliberate indifference by high
18 ranking City of Pacifica officials, including high ranking City of Pacifica Police Department
19 supervisors, Defendants BRENNAN, DOES 11-25, and each of them resulted in the deprivation of
20 Plaintiffs' constitutional rights including, but not limited to, the following:
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- 23 a. The right to be free from unreasonable searches and seizures, as guaranteed by the Fourth
24 and Fourteenth Amendments to the United States Constitution;
25 b. The right not to be deprived of life or liberty without due process of law, as guaranteed by
26 the Fifth and Fourteenth Amendments to the United States Constitution;
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28

- 1 c. The right to be free from the use of excessive force by police officers, which is
2 guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the United States
3 Constitution;
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5 d. The right to equal protection of the laws, as guaranteed by the Fourteenth Amendment to
6 the United States Constitution; and/or,
7
8 e. The right to be free from interference within the zone of privacy, as protected by the
9 Fourth and Ninth Amendments to the United States Constitution;

10 58. Said rights are substantive guarantees under the Fourth and/or Fourteenth
11 Amendments to the United States Constitution.

12 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

13 FIFTH CAUSE OF ACTION
14 (Survival action: Violation of decedent's civil rights
42 U.S.C. section 1983)
15 (Plaintiffs PULLIAM and SAULSBURY, SR. as joint personal representatives of decedent)

16 59. Plaintiffs hereby reallege and incorporate by reference herein paragraphs 1 through 58
17 of this Complaint.

18 60. The foregoing claim for relief arose in decedent's favor, and decedent would have
19 been the Plaintiff with respect to this claim if he had lived.

20 61. Defendants acted under color of law in "tasing" decedent without lawful justification,
21 subjecting decedent to excessive force and failing to secure or permit reasonable and prompt medical
22 treatment for decedent's injuries, thereby depriving Plaintiffs and the decedent of certain
23 constitutionally protected rights, including, but not limited to:
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- 26
27 a. The right to be free from unreasonable searches and seizures, as guaranteed by the Fourth
28 and Fourteenth Amendments to the United States Constitution;

- 1 b. The right not to be deprived of life or liberty without due process of law, as guaranteed by
2 the Fifth and Fourteenth Amendments to the United States Constitution;
3
4 c. The right to be free from the use of excessive force by police officers, which is guaranteed
5 by the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution;
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7 d. The right to equal protection of the laws, as guaranteed by the Fourteenth Amendment to
8 the United States Constitution; and/or,
9
10 e. The right to be free from interference within the zone of privacy, as protected by the
11 Fourth and Ninth Amendments to the United States Constitution.

12 62. Said rights are substantive guarantees under the Fourth and/or Fourteenth
13 Amendments to the United States Constitution.

14 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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16 SIXTH CAUSE OF ACTION
(Deliberate Indifference to Decedent's Medical Needs)

17 63. Plaintiffs reallege and incorporate by reference herein paragraphs 1 through 62 of this
18 Complaint.

19
20 64. In doing the acts complained of, defendants, and each of them, acted under color of
21 state law to deprive the decedent of urgently needed medical care in violation of his rights, under the
22 Due Process clause of the Fourteenth Amendment.

23 65. As a proximate result of defendants' conduct, Plaintiffs suffered injuries and damages
24 as set forth.

25
26 WHEREFORE, Plaintiffs prays for relief as hereinafter set forth.

27 JURY DEMAND

28 66. Plaintiffs hereby demand a jury trial in this action.

PRAYER

WHEREFORE, Plaintiffs pray for relief, as follows:

1. For general damages in a sum of \$30,000,000.00;
2. For special damages in a sum according to proof;
3. For punitive damages in a sum according to proof;
4. For reasonable attorney's fees pursuant to 42 U.S.C. Section 1988;
5. For cost of suit herein incurred;
6. For injunctive relief;
7. For such other and further relief as the Court deems just and proper.

Dated: April 11, 2005

The Law Offices of John L. Burris

/S/

John L. Burris
Attorney for Plaintiffs